MYSORE ACT No. XX OF 1952.

THE MYSORE LEGISLATURE SALARIES ACT, 1952.

(AS AMENDED BY ACTS 20 OF 1953 AND 17 OF 1954.)

(Received the assent of His Highness the Rajpramukh on the First day of August 1952.)

An Act to provide for the salaries and allowances of the Speaker and the Deputy Speaker, the Chairman and the Deputy Chairman, and Members of the Legislative Assembly and of the Legislative Council.

Preamble.

WHEREAS it is expedient to provide by an Act of the Legislature for the salaries and allowances of the Speaker and the Deputy Speaker, the Chairman and the Deputy Chairman, and Members of the Legislative Assembly and of the Legislative Council of the Mysore State;

It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Mysore Legislature Salaries Act, 1952.

(2) It shall come into force at once.

Definitions.

2. In this Act,—

(1) " Chairman " means the Chairman of the Legislative Council and includes any member performing the duties of a Chairman under clause (1) of Article 184 of the Constitution of India ;

(2) " Deputy Chairman " means the Deputy Chairman of the Legislative Council ;

(3) " Government " means the State Government ;

[1][(3a) ' highest class ' in relation to journeys by train includes air-conditioned compartments available in the train ;]

(4) (*i*) ' maintenance ' in relation to a residence includes the provision of electricity and water and the payment of local rates, taxes, sanitary charges and the salaries and allowances of butlers, gardeners and other servants appointed by the Government to be the staff attached to such residence ;

1. Inserted by Act 20 of 1953.

(*ii*) 'maintenance' in relation to a conveyance includes the payment of the salaries and allowances of the chauffeur or other person appointed by Government to be in charge of the conveyance and the expenses necessary for keeping the conveyance in proper working order, other than the expenses in respect of such matters as may be prescribed;

(5) "prescribed" means prescribed by rules made under this Act;

(6) "residence" includes the staff-quarters and other buildings appurtenant thereto, and the gardens thereof;

(7) "Speaker" means the Speaker of the Legislative Assembly and includes any member performing the duties of the Speaker under clause (1) of Article 180 of the Constitution of India.

(8) "Deputy Speaker" means the Deputy Speaker of the Legislative Assembly.

Salaries and allowances of the Speaker and Deputy Speaker.

3. (1) There shall be paid to the Speaker a salary of nine hundred rupees per mensem, a conveyance allowance of two hundred and fifty rupees per mensem, a sumptuary allowance of [1][two thousand and five hundred rupees] per annum and a house rent allowance of two hundred and fifty rupees per mensem; but the house rent allowance shall not be paid to the Speaker if he is provided by the Government with a residence in pursuance of the provisions of sub-section (1) of section 5.

(2) There shall be paid to the Deputy Speaker a salary of three hundred and fifty rupees per mensem.

Salaries and allowances of the Chairman and Deputy Chairman.

4. (1) There shall be paid to the Chairman a salary of nine hundred rupees per mensem, a conveyance allowance of two hundred and fifty rupees per mensem, a sumptuary allowance of one thousand rupees per annum and a house rent allowance of two hundred and fifty rupees per mensem; but the house rent allowance shall not be paid to the Chairman if he is provided by the Government with a residence in pursuance of the provisions of sub-section (1) of section 5.

(2) There shall be paid to the Deputy Chairman a salary of three hundred and fifty rupees per mensem.

1. Substituted by Act 20 of 1953.

Residences of Speaker and Chairman.

5. (1) The Government may provide for the use of the Speaker and of the Chairman without payment of rent, a fully furnished residence in the City of Bangalore throughout their term of office, and for a period of fifteen days immediately thereafter, and no charge shall fall on the Speaker or the Chairman personally in respect of the maintenance of such residence.

(2) In respect of a residence used by the Speaker or Chairman other than a residence provided under sub-section (1), such office accommodation as the Government may, by order, specify, shall be furnished and maintained at State expense.

Conveyances for Speaker and Chairman.

6. The Government may purchase and provide suitable conveyances for the use of the Speaker and the Chairman and save as otherwise provided by rules made by the Government, no charge shall fall on the Speaker or the Chairman personally in respect of the maintenance and upkeep of such conveyance.

Travelling and daily allowances of the Speaker and the Chairman.

7. (1) The Speaker and the Chairman shall be entitled while touring on official business to travelling and daily allowances at the rates and upon the conditions specified in this section.

(2) While touring on official business within the State, the Speaker and the Chairman shall be entitled—

[1][(*a*) for journeys by train,

(i) to a single fare of the highest class or the class by which he actually travels and to an allowance for incidental charges calculated at the rate of three annas per mile, four third class fares for personal servants and charges for luggage; provided that the claim is supported by a certificate of the Speaker or the Chairman, as the case may be, that he actually travelled by train in that class with the number of servants and the weight of luggage specified in such certificate; and

(ii) if the Speaker or the Chairman reserves a compartment of the highest class for himself, and when the journey is performed in the reserved compartment to the charge for the compartment and to an allowance for incidental

1. Substituted by Act 20 of 1953.

charges calculated at the rate of three annas per mile, to four third class fares for personal servants and charges for luggage; provided that the claim is supported by a certificate of the Speaker or the Chairman, as the case may be, that he reserved a compartment of the highest class and travelled by train with the number of servants and the weight of luggage specified in such certificate:

Provided further that if the Speaker or the Chairman travels by road instead of by railway train, the claim is supported by a certificate of the Speaker or the Chairman, as the case may be, specifying the number of servants travelled and the weight of luggage transported by train.]

(*b*) for journeys by road, whether by the conveyance provided under section 6 or otherwise, to road mileage at eight annas per mile for the first fifty miles and at five annas and four pies per mile for any distance beyond fifty miles travelled on one day;

(*c*) to daily allowance at rupees twenty-five per day for the days of halt at any place.

(3) While touring on official business outside the State, the Speaker and the Chairman shall be entitled—

[1][(*a*) for journeys by train,

(i) to a single fare of the highest class or the class by which he actually travels and to an allowance for incidental charges calculated at the rate of three annas per mile, four third class fares for personal servants and charges for luggage; provided that the claim is supported by a certificate of the Speaker or the Chairman, as the case may be, that he actually travelled by train in that class with the number of servants and the weight of luggage specified in such certificate; and

(ii) if the Speaker or the Chairman reserves a compartment of the highest class for himself, and when the journey is performed in the reserved compartment to the charge for the compartment and to an allowance for incidental charges calculated at the rate of three annas

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[1] Substituted by Act 20 of 1953.

per mile, to four third class fares for personal servants and charges for luggage; provided that the claim is supported by a certificate of the Speaker or the Chairman, as the case may be, that he reserved a compartment of the highest class and travelled by train with the number of servants and the weight of luggage specified in such certificate:

Provided further that if the Speaker or the Chairman travels by road instead of by railway train, the claim is supported by a certificate of the Speaker or the Chairman, as the case may be, specifying the number of servants travelled and the weight of luggage transported by train.]

(*b*) for journeys by air, to one and a half times the single fare paid for such journeys;

(*c*) for journeys by road, whether by the conveyance provided under section 6 or otherwise, to road mileage at eight annas per mile for the first fifty miles and at five annas and four pies per mile for any distance beyond fifty miles travelled on one day;

(*d*) to an allowance equal to the actual expenditure incurred by the Speaker or the Chairman for lodging, boarding and conveyance during the days of halt at any place, provided the claim is supported by a certificate of the Speaker or the Chairman, as the case may be, that he incurred the expenditure specified in such certificate.

Explanation.— 'Official business' for purposes of this section includes attendance at the Convocation of the University of Mysore and attendance at such other conferences and official functions as may be specified, from time to time, by the Rajpramukh.

Travelling and daily allowances of the Deputy Speaker and the Deputy Chairman.

[1][**7-A.** (1) The Deputy Speaker and the Deputy Chairman shall be entitled while touring on official business to travelling and daily allowance at the rates and upon the conditions specified in this section.

(2) While touring on official business within the State, the Deputy Speaker and the Deputy Chairman shall be entitled—

(*a*) for journeys by train, to a single fare of the highest class or the class by which he actually travels and to an allowance for incidental charges calculated at the rate of three annas per mile;

1. Sections 7-A and 7-B inserted by Act 17 of 1954.

(*b*) for journeys by road, to road mileage at eight annas per mile for the first fifty miles and at five annas and four pies per mile for any distance beyond fifty miles travelled on one day ;

(*c*) to daily allowance at rupees fifteen per day for the days of halt at any place.

(3) While touring on official business outside the State, the Deputy Speaker and the Deputy Chairman shall be entitled—

(*a*) for journeys by train, to a single fare of the highest class or the class by which he actually travels and to an allowance for incidental charges calculated at the rate of three annas per mile and one third class fare for a personal servant ; provided that the claim is supported by a certificate of the Deputy Speaker or the Deputy Chairman, as the case may be, that he actually travelled by train in that class with a personal servant ;

(*b*) for journeys by air, to one and one-fourth times the single fare paid for such journeys ;

(*c*) for journeys by road, to road mileage at eight annas per mile for the first fifty miles and at five annas and four pies per mile for any distance beyond fifty miles travelled on one day ;

(*d*) to daily allowance at rupees forty per day for days of halt at Bombay, Calcutta, Delhi and Madras and at rupees twenty-five per day for the days of halt at other places.

Explanation.—' Official business ' for purposes of this section means attendance at conferences, meetings and official functions (other than meetings and tours to which the provisions of section 9 are applicable), as may be specified from time to time by the Rajpramukh.

7-B. The Deputy Chairman and the Deputy Speaker shall, during the days of halt in the City of Bangalore, be provided with fully furnished accommodation, without payment of rent.] Accommodation for Deputy Chairman and Deputy Speaker in Bangalore.

Salaries of members of the Legislative Assembly and the Legislative Council.

8. There shall be paid to every member of the Legislative Assembly or of the Legislative Council a salary of one hundred and fifty rupees per mensem, which shall accrue to a member from the date on which he is declared duly elected or in the case of a member nominated by the Rajpramukh, from the date on which he is so nominated or if such declaration or nomination is made before the vacancy occurs, from the date of occurrence of the vacancy :

Provided that the salary shall not be paid until the member has made and subscribed the oath or affirmation referred to in Article 188 of the Constitution of India.

Travelling and daily allowances of members of the Legislative Assembly and the Legislative Council.

9. Subject to such conditions as may be determined by rules made under this Act,

(*a*) there shall be paid to members of the Legislative Assembly and of the Legislative Council not ordinarily resident within prescribed distances from the place at which their attendance is required [1][in connection with meetings] travelling allowance for journeys by train at the rate of [2][one single fare of the highest class with incidental charges calculated at the rate of three annas per mile] and for journeys by road at eight annas per mile [3][for the first fifty miles and at five annas and four pies per mile for any distance beyond fifty miles travelled on one day] and such members shall also be provided with fully furnished accommodation, without payment of rent, at the place at which their attendance is required;

(*b*) there shall be paid—

(i) to all members daily allowance for attending meetings at the rate of fifteen rupees per diem ;

(ii) to all members entitled to travelling allowance under clause (*a*) daily allowance for the day before and the day after the day of the meeting and where a meeting extends for more than one day, for the day before the day of commencement of the meeting and for the day after the day of conclusion of the meeting.

1. Substituted by Act 17 of 1954.
2. Substituted by Act 20 of 1953.
3. Inserted by Act 17 of 1954.

Explanation.—For the purposes of this section "meeting" means a meeting of the Legislative Assembly or of the Legislative Council or of any Committee of the said Assembly or Council or of both.

[1][(*c*) there shall be paid to members required to tour in connection with their duties as members, travelling allowance for journeys at the rates specified in clause (*a*) and daily allowance at rupees fifteen per diem for the days of halt at any place.]

Minister, Speaker and Deputy Speaker, and Chairman and Deputy Chairman, not to draw salaries as members.

10. (1) A Minister, the Speaker or the Chairman shall not—

(*a*) during the tenure of his office for which he draws salary and allowances, practise any profession or engage in any trade or undertake for remuneration any employment other than his duties as Minister, Speaker or Chairman, as the case may be, and

(*b*) while he draws salary and allowances for his office, be entitled to any salary or allowances as a member of the Legislative Assembly or of the Legislative Council, as the case may be.

(2) The Deputy Speaker or the Deputy Chairman shall not, while he draws salary for his office, be entitled to any salary as a member of the Legislative Assembly or of the Legislative Council, as the case may be.

Medical Attendance.

[1][**10-A.** Subject to such conditions as may be prescribed, the Speaker, the Chairman and the members of their family shall be entitled free of charge, to accommodation in hospitals maintained by the Government and to medical attendance and treatment].

Saving.

11. Nothing in this Act shall prevent a retired Government servant from drawing his pension in addition to any salary or allowances to which he may be entitled to under this Act.

Power of Government to make rules.

12. (1) The Government shall, as soon as may be, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the Government may make rules,

(*a*) prescribing the periods during which and the conditions under which daily allowance may be

1. Inserted by Act 17 of 1954.

drawn by a member of the Legislative Assembly or the Legislative Council ; and

(*b*) prescribing the distances referred to in section 8 for the grant of travelling allowance.

(3) All rules made under this Act shall be published in the *Mysore Gazette* and on such publication shall have effect as if enacted in this Act.

Repeal of Mysore Act II of 1951 [2][and validation of certain expenses.]

13. [1](1) The Mysore Payment of Salaries and Allowances to Members of the Legislative Assembly Act, 1951, is hereby repealed.

[2][(2) Notwithstanding anything contained in the Mysore Payment of Salaries and Allowances to Members of the Legislative Assembly Act, 1951, the accommodation provided without payment of rent to the Members of the Legislative Assembly at the place at which their attendance was required during the period the said Act was in force, shall be deemed to have been validly provided and all expenses incurred in that behalf shall be paid by the State Government.]

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1. Section 13 re-numbered as sub-section (1) by Act 17 of 1954.
2. Added by Act 17 of 1954.